

READING CLERK: Amendment No. 12 to Committee Recommendation JB-1 by Delegate Macdonald: On page 3 section 5.10 Composition of District Court line 41 after the word "by" insert the words "law or".

THE CHAIRMAN: Is the amendment seconded?

*(Whereupon, the amendment was duly seconded.)*

THE CHAIRMAN: Amendment having been seconded, the Chair recognizes Delegate Macdonald to speak to the amendment.

DELEGATE MACDONALD: Mr. Chairman, somebody remarked that he had seen this amendment before.

Fellow delegates, this amendment No. 12 is similar to Amendment No. 6. This relates to the matter of functional divisions of the district court. A short time ago you approved the same type of amendment for the superior court. Everything that was said in favor of Amendment No. 6 would apply with equal force and logic to Amendment No. 12.

I urge that it be adopted.

THE CHAIRMAN: The Chair recognizes Delegate Mudd.

DELEGATE MUDD: Mr. Chairman, ladies and gentleman of the Convention, there is very little I can say in opposition to this amendment that I did not say and that was not better said by other opponents to the identical amendment on 5.08.

I might add this. It is rather strange to me that this body, after adopting an amendment provided by Delegate Macdonald to section 5.08, allowing the functional division to be created by law or by rule, with all that flexibility adopted, and the power granted concurrently to the legislature, should then have an amendment by my esteemed friend Delegate Bennett to give us guidelines in the rule-making power of the court after it has already been shared with the legislature.

It seems to me that the thought of some of the delegates in composing amendments by way of guidelines in the rule-making power is perhaps somewhat inconsistent with their position in qualifying the rule-making power of the courts in these functional divisions. Other than that, I have nothing more to say in opposition to this amendment than I said in opposition to the amendment to section 5.08.

THE CHAIRMAN: Does any other delegate desire to speak in favor of the amendment?

*(There was no response.)*

Does any other delegate desire to speak in opposition to the amendment?

*(There was no response.)*

Ready for the question?

*(Call for the question.)*

The question arises on the adoption of Amendment No. 12 to Committee Recommendation JB-1. A vote Aye is a vote in favor of Amendment No. 11. A vote No. is a vote against. Cast your votes.

Has every delegate voted?

Does any delegate desire to change his vote?

*(There was no response.)*

The Clerk will record the vote.

There being 86 votes in the affirmative and 33 in the negative, the motion carries. The amendment is adopted.

Is there any other amendment to section 5.10?

Delegate Grant.

DELEGATE GRANT: I have a point of inquiry, Mr. Chairman.

THE CHAIRMAN: State your inquiry.

DELEGATE GRANT: In order to avoid a confusing forty minutes again like we went through the last time, I would like to address a couple questions to Chairman Mudd which I think would preclude the necessity of amendment.

THE CHAIRMAN: Delegate Mudd, can you respond to an inquiry?

DELEGATE GRANT: Delegate Mudd, as I understand section 5.10, it contemplates that there would be physically located in each county a district court facility.

THE CHAIRMAN: Delegate Mudd.

DELEGATE MUDD: Yes, more specifically provided for under the clerk of the court section wherein it is provided that there shall be a clerk of the district court in every county.

THE CHAIRMAN: Delegate Grant.

DELEGATE GRANT: My second question to you would be this: Am I correct in